

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ALBERT BITTON,

Plaintiff,

v.

DEENA GEPHARDT, *et al.*,

Defendants.

Case No. C07-5397BHS

ORDER ADOPTING
REPORT AND
RECOMMENDATION

The Court, having reviewed Plaintiff's complaint, the Report and Recommendation of Magistrate Judge J. Kelley Arnold, objections to the Report and Recommendation, if any, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) This action is **DISMISSED WITHOUT PREJUDICE** prior to service for failure to cure the defects in his filings. In particular, Plaintiff did not pay the filing fee and has not applied to proceed *in forma pauperis*. He has also failed to provide service documents.
- (3) The Clerk is directed to send copies of this order to Plaintiff and to the Hon. J. Kelley Arnold.

DATED this 26th day of October, 2007.



BENJAMIN H. SETTLE
United States District Judge